

03-85
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1 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

2 WASHINGTON, D.C. 20554

3 IN THE MATTER OF: * EB DOCKET NO. 08-85

4 BUSINESS OPTIONS, INC., * FILE NO. EB-02-TC-151

5 ORDER TO SHOW CAUSE AND * NAL ACCOUNT NUMBER:

6 NOTICE OF OPPORTUNITY * 30033217002

7 FOR HEARING * FRN: 0007179054

8 * * * * *

9 DEPOSITION OF:

10 **LISA GREEN,**

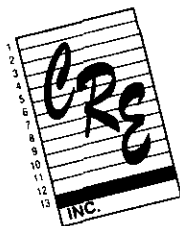
11 was taken Wednesday, July 16, 2003, commencing at

12 2:00 p.m., at the LaQuinta Inn, 8210 Louisiana

13 Street, Merrillville, Indiana, before Nova

14 Hollister, Notary Public.

15 * * * * *



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1 APPEARANCES:

2

3 On behalf of the BUSINESS OPTIONS:

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7

8 On behalf of the FCC:

9 TRENT B. HARKRADER, ESQ.
10 JAMES W. SHOOK, ESQ.
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I-N-D-E-X

EXAMINATION BY:

PAGE:

Mr. Harkrader

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(NO EXHIBITS MARKED.)

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1 P-R-O-C-E-E-D-I-N-G-S

2 WHEREUPON --

3 LISA GREEN,

4 a Witness called for examination, having been
5 first duly sworn, was examined and testified as
6 follows:

7 DIRECT EXAMINATION

8 BY MR. HARKRADER:

9 Q. Will you state your name for the
10 record.

11 A. Lisa Marie Green.

12 Q. What's your work address?

13 A. 1443 East 84th Place.

14 Q. And what is the business that is
15 located at that address?

16 A. Avatar.

17 Q. What's your date of birth?

18 A. 3-14-71.

19 Q. You're employed by Avatar currently?

20 A. Correct.

21 Q. Was there a time when you were

1 employed by Business Options, Inc. or Buzz
2 Telecom?

3 A. Buzz Telecom.

4 Q. When was that?

5 A. In November.

6 Q. And for how long were you employed as
7 a Buzz Telecom employee?

8 A. Until January.

9 Q. And in January, you became an Avatar
10 employee?

11 A. Correct.

12 Q. Did you change your place of business
13 at that time as well?

14 A. Yes.

15 Q. From the Buzz Telecom offices to the
16 Avatar offices?

17 A. Uh-huh.

18 Q. Where the Buzz Telecom offices
19 located?

20 A. 8380 Louisiana Street.

21 Q. What is your position with Avatar?

1 A. Regulatory information officer and
2 consumer and employment affairs officer.

3 Q. What are the responsibilities that go
4 along with that?

5 A. With consumer and employment affairs,
6 I deal with consumer complaints that I get from
7 the Commission, the FCC lawyers. And I
8 investigate. And I would send the third party a
9 revocation along with any account information
10 that they request. I usually give them an
11 account summary, an invoice summary and I send
12 that to the Commission. And I carbon copy the
13 customer so they know that. And I'll get
14 requests from unemployment for employees. And I
15 just fill out whatever they need to know and pass
16 it back to them.

17 Q. Okay. And has that been your policy
18 since January when you started with Avatar?

19 A. Yes.

20 Q. Do you have any other responsibilities
21 at Avatar?

1 A. The regulatory information officer.

2 Q. What does that entail?

3 A. That would be getting all states
4 legally licensed to operate under Buzz Telecom.
5 Doing annual reports, tariff revisions.

6 Q. Uh-huh.

7 A. Stuff like that.

8 Q. What is the relationship between
9 Avatar and Buzz Telecom currently?

10 A. Avatar is the legal department of Buzz
11 Telecom.

12 Q. Are you an attorney?

13 A. No.

14 Q. What were your responsibilities when
15 you were first hired?

16 A. When I was first hired, I was
17 regulatory information officer.

18 Q. Did that entail the same
19 responsibilities that you just described that you
20 now have at Avatar?

21 A. Uh-huh.

1 Q. You were responsible for annual
2 reports, tariff filings?

3 A. Uh-huh.

4 Q. When you first joined on at Buzz
5 Telecom, in how many states was Buzz Telecom
6 authorized to provide service?

7 A. Probably -- I'm taking a guess -- 14
8 to 16.

9 Q. Also at that same time, was Business
10 Options authorized to provide service in a number
11 of states?

12 A. Yes.

13 Q. How many states?

14 A. We thought all, but it ended up there
15 was about nine states that had been revoked.

16 Q. So would it be fair to say roughly 40
17 states?

18 A. I would go with probably 38.

19 Q. Thirty-eight. How did you hear about
20 the opening?

21 A. The newspaper.

1 Q. Which one was that?

2 A. The Times.

3 Q. Is that the local paper?

4 A. Uh-huh.

5 Q. What areas does it cover?

6 A. I'm not exactly sure. I think it's
7 pretty much northwest Indiana.

8 MR. SHOOK: I'm going to interject
9 here. When you respond, I know when you say
10 "Uh-huh" or something like that, you mean yes or
11 no. Just to make sure that the record is clear,
12 try to respond either yes or no to a question
13 like that.

14 THE WITNESS: Okay.

15 BY MR. HARKRADER:

16 Q. Along the same line, there could very
17 well be some questions that I ask that you have
18 no idea what I'm asking. It's okay to say,
19 "Could you rephrase it?" Or "I don't
20 understand." If you don't know the answer to
21 some questions, it's okay to say "I don't know."

1 A. Okay.

2 Q. When you first started with Buzz
3 Telecom, could you tell me what the relationship
4 was between Buzz Telecom and Business Options
5 when you first started working as an employee for
6 Buzz?

7 A. When I first started working, I wasn't
8 clear about that.

9 Q. Did you come to learn of the
10 relationship between those two companies?

11 A. I was under the understanding that
12 they were beginning -- trying to start another
13 company, another long distance company aside of
14 Business Options.

15 Q. Separate and apart from what Business
16 Options did?

17 A. Correct.

18 Q. Did you do any work on behalf of
19 Business Options when you first started working?

20 A. No.

21 Q. How did you apply for the opening of

1 Buzz Telecom?

2 A. I just went in with my resume and I
3 got interviewed.

4 Q. Did you have to fill out an
5 application?

6 A. Yes.

7 Q. Who interviewed you?

8 A. Gene Chill.

9 Q. Anyone else?

10 A. No. Well, Shannon Dennie did.

11 Q. That same day?

12 A. Yes. I came back that same day.

13 Q. So you went in the morning and --

14 A. Yes. I went in and before I got home,
15 Gene called and he told me he wanted me to come
16 back, that he wanted me to meet Shannon. So I
17 turned around and I went back and I met her.

18 Q. Did they offer you the job that day?

19 A. Yes.

20 Q. And when did you start?

21 A. I believe either the next day or that

1 following Monday.

2 Q. That's marvelously efficient. Did you
3 have any experience in the telecommunications
4 industry before you signed on at Buzz Telecom?

5 A. No.

6 Q. Did you have any experience with
7 interacting with regulatory agencies before you
8 signed on at Buzz Telecom?

9 A. No.

10 Q. Did you have any legal experience
11 before you signed on at Buzz Telecom?

12 A. No. I was going to college.

13 Q. What sort of training did you receive
14 with respect to the telecomm industry when you
15 started at Buzz?

16 A. Not much. I read telecomm
17 terminology. And Shannon just trained me. And I
18 looked at other applications that were done. And
19 that's pretty much it.

20 Q. Did you receive any training -- and it
21 may be the same thing. Did you receive any

1 training with respect to dealing with regulatory
2 agencies?

3 A. No.

4 Q. Did you receive any training at all?

5 A. I trained with Shannon and that's
6 about it.

7 Q. Shannon is Ms. Dennie?

8 A. Right.

9 Q. It just needs to be clear for the
10 record.

11 A. Okay.

12 Q. Do you have any idea, when you first
13 started working at Buzz, how long Ms. Dennie had
14 been working there?

15 A. Yes.

16 Q. How long was that?

17 A. I believe it was approximately two to
18 three weeks.

19 Q. Before the time when you started?

20 A. When I started, uh-huh.

21 Q. Did Ms. Dennie train you or instruct

1 you about tariff filings?

2 A. Yes.

3 Q. How did she do that?

4 A. She just had me -- she was showing me
5 the different tariffs. And she explained to me
6 that different states have different rules and
7 regulations in that they would have to be revised
8 to the state's rules and regulations. And I
9 looked through the state files, at the tariffs
10 that had already been filed for Buzz.

11 Q. Did you see any state filings on
12 behalf of Business Options?

13 A. I didn't work with Business Options at
14 all in the beginning.

15 Q. All your work was for Buzz Telecom?

16 A. Uh-huh. Yes.

17 Q. Did Ms. Dennie train you or instruct
18 you on how to communicate with Government
19 agencies?

20 A. No.

21 Q. Did you eventually learn or get

1 experience in that area?

2 A. Yes. Just by talking to them.

3 Q. Talking to who?

4 A. To the commissions and regulatory
5 agencies.

6 Q. And just to be clear: We're talking
7 about state Public Utilities Commissions?

8 A. Right.

9 Q. And that would include the FCC as
10 well, the Federal Communications Commission?

11 A. Yes.

12 Q. When did you first speak with anyone
13 the Federal Communications Commission?

14 A. A week or two after I started.

15 Q. And when was that?

16 A. When exactly?

17 Q. A rough date. Was it November,
18 December?

19 A. It was in November, I believe.

20 Q. And who did you speak with?

21 A. John Mincoff.

1 Q. Do you know a gentleman by the name of
2 Bill Brzycki?

3 A. No, I don't.

4 Q. Did you ever hear Ms. Dennie speak
5 about a gentleman by the name of Bill Brzycki?

6 A. Yes, I did.

7 Q. When was that?

8 A. When I first -- around the time I
9 first started.

10 Q. And what did she say about him?

11 A. She said that he was there no more
12 than three days before she started. So she had
13 to learn a lot of things on her own because there
14 wasn't enough time for him to explain or train
15 her to do anything.

16 Q. Did she tell you anything else about
17 him?

18 A. She told me that he told her that
19 there was a lot of things he forgot to do.

20 Q. Was he specific about that?

21 A. I remember her saying that he said

1 he'd go home at night and say "I forgot to file
2 this or I forgot to do that." She wasn't
3 specific on exactly what documents he was talking
4 about. I know it's a lot.

5 Q. Did she tell you what his
6 responsibilities were generally?

7 A. She told me that he was the head of
8 the regulatory department.

9 Q. Which is the department that you were
10 working in at that time?

11 A. Correct.

12 Q. So did you understand from that, that
13 the filings that he was talking about -- did you
14 understand that the filings he was talking about
15 were state filings or Federal filings?

16 A. No.

17 Q. Did she talk about any specific
18 filings that he had mentioned forgetting?

19 A. No. I don't think he did mention it.
20 And she didn't mention it to me.

21 (A short break was taken.)

1 Q. In November and December when you
2 started with Buzz Telecom, you had a
3 responsibility, did you not, for responding to
4 consumer complaints?

5 A. No.

6 Q. Did you ever obtain that
7 responsibility?

8 A. Consumer complaints?

9 Q. Yes.

10 A. I took on that responsibility in
11 January, I believe, for about two months. And
12 then they hired somebody. And now I have that
13 responsibility again.

14 Q. You do have it again?

15 A. I have for the past month.

16 Q. And when you took that responsibility
17 on in January, you were at Avatar; is that
18 correct?

19 A. Correct.

20 Q. So from January to March, and then you
21 got a couple months off and then --

1 A. I've been doing them for the past
2 month, month and a half now.

3 Q. Why the time off?

4 A. They hired somebody.

5 Q. And what happened to that individual?

6 A. She was laid off.

7 Q. When you first started with Buzz
8 Telecom in November, were you responsible for
9 responding to state complaints?

10 A. No.

11 Q. Is it fair to say that you picked up
12 that responsibility in January, as well, when you
13 moved to Avatar?

14 A. I'm sorry, I don't know what you mean
15 by "state complaints."

16 Q. For example, when the state contacts
17 Buzz or Business Options -- or when the state
18 contacts Buzz and says that they may have slammed
19 a customer.

20 A. No. I wasn't doing that.

21 Q. Did you do that at any time?

1 A. Yes. From the times that I mentioned.

2 Q. January to March?

3 A. Yes.

4 Q. For Avatar?

5 A. I'm sorry, no. It's all been for
6 Business Options, the complaints. I
7 misunderstood. I thought you meant at Avatar.

8 Q. When did you first start responding to
9 those types of state complaints? When were your
10 responsibilities to respond to state complaints?

11 A. Toward the end of January.

12 Q. So not in November or December?

13 A. No.

14 Q. And while you were -- when you
15 obtained those responsibilities, you were
16 employed by Avatar?

17 A. Correct.

18 Q. But it was for?

19 A. Business Options.

20 Q. Meaning, it was for complaints filed
21 by consumers with their state commissions?

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1 A. Correct.

2 Q. For Business Options?

3 A. Correct.

4 Q. Do you have that responsibility now?

5 A. Yes.

6 Q. You picked that back up around June?

7 A. Yes.

8 Q. How many complaints from consumers do
9 you receive in a given week?

10 A. In a week, it fluctuates from eight to
11 twenty in a week.

12 Q. Twenty would be considered a lot?

13 A. Yes.

14 Q. And would you consider eight to be a
15 minimum?

16 A. Yes. There could be less, but it's
17 usually not less than eight.

18 MR. HAWA: Twenty is a lot, eight is
19 on the low end?

20 MR. HARKRADER: Yes. Eight would be
21 on the lower side.

1 THE WITNESS: Uh-huh. Yes.

2 BY MR. HARKRADER:

3 Q. What is your procedure with respect to
4 responding to those complaints -- tell me how
5 those complaints come in.

6 A. They come in -- it depends. Different
7 commissions just call me and give me the name and
8 the phone number. Maine gives me just what they
9 need for me to send back to them. Sometimes
10 customer bills. A lot of commissions usually
11 send me a form, the complainant's name, address,
12 what happened. And then I go in the system and I
13 cancel them completely. And I put a remark that
14 I did that. And that I would be sending the
15 third party verification and the account
16 information.

17 Q. Why do you cancel them automatically?

18 A. Because in the complaints -- well, I
19 usually ask a commission that calls me. But
20 usually when I send it, they say that it was
21 unauthorized and that they don't want it.

1 Q. Do you do any sort of investigation on
2 your own to determine whether it's a valid
3 complaint?

4 A. Yes. I look in their account and I
5 see if we've had any correspondence with them. I
6 listen to the third party verification. You just
7 go over their account information.

8 Q. Does anybody help you with that?

9 A. No.

10 Q. Have there ever been times where
11 you've determined that a complaint is invalid and
12 that maybe you did switch their service
13 correctly?

14 A. And they just don't want to pay?

15 Q. Well, for whatever reason?

16 A. For whatever reason, yes.

17 Q. How often does that happen?

18 A. Probably quite often.

19 Q. Roughly half the time, half the
20 complaints that you receive?

21 A. No. I would probably say 75 percent

1 of the time.

2 Q. Seventy-five percent of the complaints
3 that you receive are not legitimate complaints?

4 A. I think so. If it's a good
5 verification.

6 Q. Do you still cancel the service
7 anyway?

8 A. Yes.

9 MR. HAWA: Just to be clear for the
10 record, we're throwing around numbers by way of
11 illustration and for understanding of the
12 question, not for any technical accounting of
13 what percentages --

14 MR. HARKRADER: No. I'm trying to get
15 a sense for how this works, you know.

16 BY MR. HARKRADER:

17 Q. And you say you listen to the third
18 party verification tapes as well?

19 A. Yes. Uh-huh.

20 Q. Do you ever receive or does Avatar,
21 Buzz Telecom, ever receive complaints directly

1 from consumers?

2 A. That would go to the customer service
3 department.

4 Q. Okay. And you are in division seven?

5 A. Division six.

6 Q. Division six of Avatar?

7 A. Correct.

8 Q. What is division six?

9 A. I haven't -- it's just the legal
10 department, regulatory affairs.

11 Q. When you were at Buzz Telecom, were
12 you in division seven at Buzz Telecom?

13 A. I believe so.

14 Q. So is it fair to say that what was
15 formerly the division seven -- formerly the
16 responsibilities of division seven with Buzz, are
17 now the responsibilities of division six in
18 Avatar?

19 A. Correct.

20 Q. You also had responsibilities for
21 regulatory expansion in November and December?